

WRITTEN TESTIMONY OF

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To determine the full extent of the need for quality indigent defense in Michigan, it is not enough to take a snapshot of the adult population and analyze its legal needs. It is equally important to examine those conditions in the schools that have already set in motion the creation of the next generation of indigent criminal defendants. With growing and alarming frequency, school administrators are referring students to law enforcement officials for types of misconduct that were historically the subject of school disciplinary processes. For example, during the 2003-2004 school year, the Muskegon school district referred 42 cases to law enforcement. Thirteen of those referrals were for trespassing or property crimes. During one year, the Flat Rock school district made 63 referrals to law enforcement, and a number of these were for offenses such as false fire alarms, theft, possession of tobacco, tardiness and skipping school.

A growing police presence in the schools has also contributed to the criminalization of students. Fully authorized police personnel, frequently referred to as "School Resource Officers" are on patrol in the corridors of many schools, and they are often duty-bound to make arrests for misconduct that might have been overlooked or dealt with in other ways by a vice-principal or a teacher. In one case, a parent reported that a School Resource Officer handcuffed two middle-school girls who were involved in a fight, and threatened to taser them. It should come as no surprise that many, if not most students who end up in the juvenile justice system are also suspended or expelled for their offenses. Studies conducted nationally and in Michigan demonstrate that there is a correlation between exclusion from school for disciplinary reasons and the failure to graduate from high school. The fact that 68 percent of Michigan's prisoners are high school dropouts strongly suggests that there is a correlation between failure to graduate and involvement in the criminal justice system. It is also interesting to note that during the 2007-2008 school year, there were roughly 45,000 non-graduates in Michigan, and roughly 41,000 juvenile arrests in 2007.

If our schools are criminalizing conduct that might reasonably be dealt with through standard school disciplinary processes, it stands to reason that when these matters and conduct of a comparable nature and quality that occurs later in a student's life become the subject of criminal prosecution, there is great value in having skillful criminal defense attorneys available to put things in the proper context for a judge. If an unnecessary journey to prison is not interrupted, then all of us end up paying the cost. The cost of housing a prisoner is approximately \$30,000 per year. The problem that has come to be known as the "school-to-prison pipeline" requires its own remedy. But knowledge of its existence compels preparation for its unwanted but inevitable spillover consequences. Those students who become stuck on a collision course with the criminal justice system will need the assistance of competent legal counsel as they face the harsh consequences of school systems that failed them. ###